



IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TONYA JACKSON-HALL

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11cv42-DPJ-FKB

MOSS POINT SCHOOL DISTRICT

DEFENDANT

NOTICE OF REMOVAL

COMES NOW Defendant Moss Point School District, by and through counsel and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1443, and 1446, and hereby removes this cause to this Court and in support thereof would show as follows:

1. On or about November 18, 2010, Plaintiff Tonya Jackson-Hall ("Plaintiff") commenced this action styled *Tonya Jackson-Hall v. Moss Point School District* by filing her Complaint in the Circuit Court of Hinds County, Mississippi, First Judicial District, Civil Action No. 251-10-978CIV.

2. Defendant Moss Point School District ("Defendant") accepted service of the aforementioned Complaint on or about January 13, 2011. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b); *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 119 S.Ct. 1322 (1999). By filing this Notice of Removal, Defendant has not waived, and hereby affirmatively asserts, any and all affirmative and/or other defenses available and/or applicable to it, including those set forth under Mississippi and/or Federal Rules of Civil Procedure 8 and 12.

3. This action is removable pursuant to 28 U.S.C. §1441 in that it is a civil action over which this Court has original jurisdiction. Plaintiff's Complaint in the state court action explicitly includes claims for damages arising under federal law, specifically asserting causes of action against Defendant under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et*

seq. Consequently, this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1443, and may exercise supplemental jurisdiction over any and all related state law claims under 28 U.S.C. § 1367.

4. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the underlying complaint was filed in Hinds County, Mississippi. However, the underlying cause of action should have been filed in Jackson County, Mississippi, where Defendant is located and where the events alleged in Plaintiff's Complaint took place. Therefore that venue should be properly transferred to the Southern Division.

5. A copy of the Complaint served on Defendant is attached hereto as Exhibit "A" and is incorporated herein by reference. A certified copy of the entire state court record is attached as Exhibit "B" pursuant to L.U.Civ.R. 5(b).

6. Defendant, after promptly filing this Notice of Removal, will give notice to all adverse parties and to Barbara Dunn, Circuit Clerk for Hinds County, Mississippi, First Judicial District, and is further filing a copy of this Notice of Removal with the Circuit Clerk of Hinds County, Mississippi, First Judicial District.

7. Defendant further reserves the right to amend and/or supplement this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendant Moss Point School District respectfully requests that this Court assume jurisdiction over the cause herein as provided by law.

RESPECTFULLY SUBMITTED this the 20th day of January, 2011.

MOSS POINT SCHOOL DISTRICT

By: 
One of Its Attorneys

Of Counsel:

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CERTIFICATE OF SERVICE

I, R. Jarrad Garner, attorney for Defendant Moss Point School District, do hereby certify that I have this day via United States Mail, postage prepaid, delivered a true and correct copy of the above and foregoing pleading to the following:

Louis H. Watson, Jr., Esq.
Nick Norris, Esq.
Louis H. Watson, Jr., P.A.
628 North State Street
Jackson, MS 39202-3303

Barbara Dunn
Hinds County Circuit Clerk, First Judicial District
P.O. Box 327
Jackson, Mississippi 39205

Dated: January 20, 2011.


R. Jarrad Garner